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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,310	04/17/2001	Robert Veilleux	186.011US1	6908

21186 7590 10/05/2007  
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MINNEAPOLIS, MN 55402

EXAMINER
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NGUYEN, CHI Q

ART UNIT	PAPER NUMBER
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3635

MAIL DATE	DELIVERY MODE
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10/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/836,310

**Applicant(s)**

VEILLEUX ET AL.

**Examiner**

Chi Q Nguyen

**Art Unit**

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This Office action is in response to the applicant's amendment filed on 7/20/2007.

#### ***Status Of Claims***

Claims 1-9, and 11-17 are pending and have been examined.

Claims 18-20 have been cancelled.

#### ***Claim Rejections - 35 USC § 102***

Claims 1, 3, 5, 7, and 8 stand rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 4,191,000 to Henderson.

##### **Claim 1:**

Henderson discloses a wooden I-beam comprising an elongated lower chord 20, an elongated upper chord 20 spaced apart in opposed relation to the lower chord, a laminated panel structure 22 (col. 4, line 56) extending perpendicularly and joining said chords, said laminated panel structure defining an uninterrupted surface from one end of the joist to an opposite end thereof and having opposite upper and lower edges joined to the lower and upper chords respectively; said laminated panel structure being formed of a series of vertically elongated planks 27, 29 adhesively secured edgewise to one another and extending vertically between said lower and upper chords (Figs. 1-2).

##### **Claim 3:**

Wherein said panel is secured to said chords by finger joints 23.

##### **Claim 5:**

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Wherein said planks are made of plywood (col. 3, line 2). Furthermore, the term "kiln dry" presents of process limitations on product claims, which product does not otherwise patentably distinguish over prior art, cannot impart patentability to the product. *In re Stephens 145 USPQ 656 (CCPA 1965)*.

Claim 7:

Wherein fibres in said planks extend in the longitudinal direction of said planks.

Claim 8:

Wherein said planks are joined to one another by a V-shaped joint (Fig. 3).

***Claim Rejections - 35 USC § 103***

Claims 2, 4, 6, 9, and 11-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 4,191,000 to Henderson.

Claims 2, 9, 11, 13, 14, and 16-17: (See also above rejections)

Henderson discloses the basic structures for a laminated I-beam as stated and further discloses a laminated panel comprises a core panel 29, two face panels 27 adhesively secured together (Fig. 2) but does not expressly disclose the laminated panel structure is formed of two laminated panels extending parallel to and abutting one another. However, this feature would have been a matter of obvious design choice to one of ordinary skill in the art at the time the invention was made to minimize the use of a material. Furthermore, applicant has not disclosed the criticality of this feature.

Claims 4, 6, 12, and 15:

Henderson discloses the structural elements for a wooden I-beam as stated but does not teach specifically a glue having a base of resin resorcinol, and the wood is selected from the group of fir, spruce and pine. This feature would have been obvious matter of design choice to one of ordinary skill in the art at the time the invention was made to select a commercially known material, e.g. a glue having a base of resin resorcinol and a fir, spruce or pine wood for a wooden I-beam. Furthermore, applicant has not disclosed the criticality of this feature.

### ***Response to Arguments***

Applicant's arguments filed 7/18/2007 have been fully considered but they are not persuasive.

Applicant argues the Henderson reference (US Pat. No. 4,191,000) does not provide for such a laminated panel structure. Rather, the Henderson reference provides for a web member 22, joining a lower chord 20 and an upper chord 20, composed of a plurality of segments, each having a length corresponding to the width of the sheet of plywood from which it was cut. The Henderson reference indicates that such length is commonly 48 inches. Reference is made to column 3, lines 5 of the Henderson reference. The Henderson reference therefore teaches that the individual segments of the web member have length parallel to the upper and lower chords that is longer than the height of the individual segments between the upper and lower chords, and this is clearly illustrated in Figs. 1 and 4 of Henderson. This, in effect, teaches away from the

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presently claimed structure, which provides for laminated panel structure formed from a series of elongated planks, which have a height that is longer than their width. This provides the improvement provided in claim 1, "wherein said foist is adapted to be cut at any length thereof". Examiner does not agree with the applicant's argument because the Henderson's reference is clearly shown a web 22 is laminated with face panel 27 (see Fig. 2 and col. 3, lines 1-10) or a laminated panel 22 formed from a series of elongated planks 22 and 27, which have a height that is longer than their width.

Applicant argues the prior art does not disclose finger joints. Examiner does not agree because the prior art shown in Fig. 2, the laminated web 22 having two projections 23 on each side of the web would function as finger joints to the upper and lower chords.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at (571) 272-6777.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

  
CQN  
9/27/2007

/JEANETTE CHAPMAN/  
PRIMARY EXAMINER  
ART UNIT 3635